



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

July 7, 2005

In re Application of:

DANIEL J. DAMON

Serial No. : 10/808,048 Group Art Unit: 3618

Filed : March 23, 2004 Examiner: Hau Van Phan

For : BATTERY RETAINER ASSEMBLY  
FOR CHILDREN'S RIDE-ON VEHICLES

**Mail Stop AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

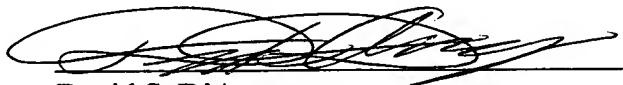
**RESPONSE TO FIRST OFFICE ACTION**  
**AND SUBMISSION OF A TERMINAL DISCLAIMER**

This is a response to the June 15, 2005 Office action for the above-identified patent application. Claims 1-42 are presently pending in the application. In the Office action, all of the pending claims were indicated to contain allowable subject matter over the prior art of record. However, claims 1-10, 19-24, 27-31, and 38-42 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Applicant's pending U.S. Patent Application Serial No. 10/660,904, from which the present application claims priority. Enclosed with this Response is a Terminal Disclaimer with respect to U.S. Patent Application Serial No. 10/660,904. Applicant submits that all pending claims are now in a condition for

formal allowance. Should there by any questions or remaining issues that may be addressed in a telephone interview, the Examiner is invited to contact Applicant's undersigned attorney at the number listed below.

Respectfully submitted,

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